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OFFICE OF PETITIONS

In re Application of	:	
Yamakazi et al.	:	DECISION ON APPLICATION
Application No. 09/833,674	:	FOR PATENT TERM ADJUSTMENT
Filed: April 13, 2001	:	
Atty. Docket No. 12732-0028001/US4856	:	

This is in response to the "Application for Patent Term Adjustment Under 37 C.F.R. § 1.705(b)" filed December 16, 2009. Applicants request the initial determination of patent term adjustment be corrected from one thousand two hundred ninety-four (1294) days to one thousand three hundred sixteen (1316) days.

The application for patent term adjustment is **granted**.

The Office has updated the Office's Patent Application Locating and Monitoring ("PALM") screen to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 1316 days. A copy of the updated PALM screen showing the correct determination is enclosed.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) on September 17, 2009, advising Applicants of a patent term adjustment to date of 1294 days. In response, Applicants timely filed this application for patent term adjustment and the issue fee on December 16, 2009.

The Office bases patent term calculations on entries in the Office's PALM system. A 22-day reduction in patent term adjustment was entered as a result of an entry in PALM indicating a "Supplemental Response" was filed in this case on June 15, 2006.

Applicants contend the 22-day reduction is improper. Applicants state the attorneys of record did not file a reply on June 15, 2006, and state the Image File Wrapper for the application does not contain any paper filed June 15, 2006.

A review of Office records indicates papers intended for Application No. 09/883, 674 were filed June 15, 2006. As a result of Office error, the Office associated the papers with the instant application. Although the papers were subsequently moved to the correct application file, the Office failed to correct entries involving the papers in PALM. As a result, a 22-day reduction to the patent term adjustment was entered for the instant application.

Papers were not filed in the instant application on June 15, 2006. Therefore, the 22-day reduction was improper and has been removed.

The patent term adjustment as of the date the Office mailed the Notice of Allowance is 1316 days which is 1407 days of Office delay reduced by 91 days of Applicants' delay.

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of REVISED PALM screen

Day : Monday
Date: 5/31/2010

PALM INTRANET

Time: 09:31:20

PTA Calculations for Application: 09/833674

Application Filing Date:	04/13/2001	PTO Delay (PTO):	1407
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	113
Post-Issue Petitions:	0	Total PTA (days):	1316
PTO Delay Adjustment:	22		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
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116	09/17/2009	MAIL NOTICE OF ALLOWANCE			
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113	09/13/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
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103	06/04/2009	MAIL BOA MISCELLANEOUS COMMUNICATION TO APPLICANT			
102	06/02/2009	BOA MISCELLANEOUS COMMUNICATION TO APPLICANT			
101	01/22/2009	CONFIRMATION OF HEARING BY APPELLANT			
100	01/20/2009	EMAIL NOTIFICATION			
99	01/20/2009	NOTIFICATION OF APPEAL HEARING			
98	10/29/2008	EMAIL NOTIFICATION			
96	10/29/2008	DOCKETING NOTICE MAILED TO APPELLANT			
95	10/27/2008	ASSIGNMENT OF APPEAL NUMBER			
94	09/26/2008	APPEAL AWAITING BPAI DOCKETING			
93	09/08/2008	EMAIL NOTIFICATION			
92	09/08/2008	MAIL REPLY BRIEF NOTED BY EXAMINER			
91	09/02/2008	REPLY BRIEF NOTED BY EXAMINER			

90	08/03/2008	DATE FORWARDED TO EXAMINER			
89	06/09/2008	REPLY BRIEF FILED			
88	06/09/2008	REQUEST FOR ORAL HEARING			
87	05/09/2008	APPEAL READY FOR BPAI DOCKETING			
86	04/21/2008	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
85	04/17/2008	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
84	04/16/2008	RETURN OF UNDOCKETED APPEAL TO THE TC			
83	04/16/2008	EXAM. ANS. REVIEW COMPLETE			
82	04/08/2008	MAIL EXAMINER'S ANSWER			
81	03/31/2008	EXAMINER'S ANSWER TO APPEAL BRIEF			
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79	03/20/2008	DATE FORWARDED TO EXAMINER			
78	03/07/2008	APPEAL BRIEF FILED			
77	02/12/2008	NOTICE -- DEFECTIVE APPEAL BRIEF			
76	02/08/2008	APPEAL BRIEF REVIEW COMPLETE			
75	02/08/2008	DATE FORWARDED TO EXAMINER			
74.1	01/18/2008	DEFECTIVE / INCOMPLETE APPEAL BRIEF FILED			
74	01/18/2008	APPEAL BRIEF FILED			
73	01/18/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
72	10/25/2007	NOTICE OF APPEAL FILED		61	58
71	10/25/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
70	09/19/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
69	10/15/2007	MAIL ADVISORY ACTION (PTOL - 303)			
68	10/12/2007	ADVISORY ACTION (PTOL-303)			
67	09/28/2007	DATE FORWARDED TO EXAMINER			
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64	09/19/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
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58	05/25/2007	MAIL FINAL REJECTION (PTOL - 326)			
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56	03/14/2007	DATE FORWARDED TO EXAMINER			
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52	12/07/2006	DATE FORWARDED TO EXAMINER			
51	11/30/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
50	12/07/2006	DATE FORWARDED TO EXAMINER			
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48	12/07/2006	DISPOSAL FOR A RCE / CPA / R129			
47	11/30/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
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36	01/23/2006	NON-FINAL REJECTION			
35	10/13/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
34	11/17/2005	DATE FORWARDED TO EXAMINER			
33	10/13/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
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31	10/13/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)			
30	11/17/2005	DISPOSAL FOR A RCE / CPA / R129			
29.7	10/13/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
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28	10/13/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
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26	07/11/2005	FINAL REJECTION			
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18	11/12/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
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16	11/12/2004	DATE FORWARDED TO EXAMINER			
15	07/30/2004	RESPONSE TO ELECTION / RESTRICTION FILED			
14	04/13/2001	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
12	07/30/2004	WORKFLOW INCOMING AMENDMENT IFW			
11	06/30/2004	MAIL RESTRICTION REQUIREMENT	748		-1
10	06/27/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
9.7	06/04/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	06/04/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	03/12/2004	CASE DOCKETED TO EXAMINER IN GAU			
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6	07/25/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	07/05/2001	CASE DOCKETED TO EXAMINER IN GAU			
4	06/11/2001	APPLICATION DISPATCHED FROM OIPE			
3	06/08/2001	CORRESPONDENCE ADDRESS CHANGE			
2	04/29/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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